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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,796	04/27/2001	David Corboy	06975-094001 / Browser 02	7378
26171	7590	04/28/2005	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,796

Applicant(s)

CORBOY ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicants' Amendment/Request for Reconsideration filed on October 4, 2005. Claims 1-39 are presented for further examination. Applicants' newly added claims 40-47 are also presented for examination.

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 17 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 and 21 are not limited to tangible embodiments. The medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. [disc, client device and host device]) and intangible embodiments (e.g. [propagated signal]). As such, the claims are not limited to statutory subject matter and therefore are non-statutory.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the

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international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 and 14-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Stimmel (U.S. Pat. No. 6,678,719).

As per claims 1, 17, and 22, Stimmel discloses a communications method, computer program and apparatus for transferring electronic data to users of a communication system comprising:

- establishing a connection between a client and a host, the client including a browser application configured to render data encapsulated in a standard Internet content format (col. 2, lines 67-68 and col. 3, lines 1-13);
- receiving electronic data from the host in response to a data request transmitted from the client (col. 2, lines 67-68 and col. 3, lines 1-13); and
- at the client, simultaneously executing multiple instantiations of the browser application in response to the electronic data received from the host (col. 9, col. 3, lines 21-38),
- wherein at least one instantiation of the browser is configured to exchange messages with at least one other instantiation of the browser application (col. 9, col. 3, lines 21-38).

As per claim 23, Stimmel discloses a communication method for transferring electronic data to users of a communications system, the method comprising:

- establishing a connection between a client and a host, the client including a browser application configured to render data encapsulated in a standard Internet content format (col. 2, lines 67-68 and col. 3, lines 1-13);

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- transmitting electronic data from the host in response to a data request received from the client (col. 2, lines 67-68 and col. 3, lines 1-13); and
- wherein the electronic data comprises instructions for simultaneously executing multiple instantiations of the browser application, at least one instantiation of the browser application being configured to exchange messages with at least one other instantiation of the browser application (col. 9, col. 3, lines 21-38).

As per claim 2, Stimmel further discloses:

- rendering a first graphical user interface within a first instantiation of the browser and rendering a second graphical user interface in a second instantiation of the browser (col. 3, lines 21-38).

As per claim 3, Stimmel further discloses:

- establishing a communication pathway between multiple instantiations of the browser applications by executing coordinating code in each instantiation of the browser (col. 3, lines 21-38).

As per claim 4, Stimmel discloses:

- wherein the coordinating code is written in a standard Internet content format (col. 3, lines 1-7).

As per claim 5, Stimmel further discloses:

- establishing communications session in a first instantiation of the browser (col. 2, lines 66-67 and col. 3, lines 1-5).

As per claim 6, Stimmel further discloses:

- controlling the communications session in the first instantiation of the browser (col. 3, lines 21-38).

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As per claim 7, Stimmel further discloses:

- displaying content associated with the session in a second instantiation of the browser application (col. 3, lines 21-38).

As per claim 8, Stimmel discloses:

- wherein the data request is transmitted using an OSP client application (col. 3, lines 1-13).

As per claim 9, Stimmel discloses:

- wherein the data request is transmitted using the browser application (col. 3, lines 1-1).

As per claim 10, Stimmel discloses:

- wherein the browser application is embedded within an OSP application (col. 3, lines 1-1).

As per claim 14, Stimmel discloses:

- wherein the first instantiation of the browser comprises an electronic mail window (col. 9, lines 48-67 and col. 10, lines 1-32).

As per claim 15, Stimmel discloses:

- wherein a first instantiation of the browser comprises an instant messaging window (col. 9, lines 48-67 and col. 10, lines 1-32).

As per claim 16, Stimmel discloses:

- wherein the first instantiation of the browser comprises a search window (col. 9, lines 48-67 and col. 10, lines 1-32).

As per claim 18, Stimmel discloses:

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- wherein the computer readable medium comprises a disc (col. 7, lines 27-40 and col. 8, lines 57-59).

As per claim **19**, Stimmel discloses:

- wherein the computer readable medium comprises a client device (col. 4, lines 15-35).

As per claim **20**, Stimmel discloses:

- wherein the computer readable medium comprises a host device (col. 4, lines 15-35).

As per claim **21**, Stimmel discloses:

- wherein the computer readable comprises a propagated signal (col. 4, lines 15-35).

As per claims **24** and **25**, Stimmel discloses:

- wherein each instantiation of the browser application is configured to exchange messages with at least one other instantiation of the browser application (col. 3, lines 21-38).

As per claims **26** and **29**, Stimmel discloses:

- wherein the messages exchanged between instantiations of the browser application include state information (col. 3, lines 39-52).

As per claims **27** and **30**, Stimmel discloses:

- wherein the messages exchanged between instantiations of the browser application include session content (col. 4, lines 15-35).

As per claims **28** and **31**, Stimmel discloses:

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- wherein the messages exchanged between instantiations of the browser application include communication parameters for maintaining connection between instantiations of the browser application (col. 3, lines 39-52).

As per claims **32** and **34**, Stimmel discloses:

- wherein the first instantiation of the browser application is dedicated to providing a first online service and at least one other instantiation of the browser application is dedicated to providing a second and different online service (col. 3, lines 1-12).

As per claims **33** and **35**, Stimmel discloses:

- wherein the first online service is an OSP service and the second online service is an instant messaging service (col. 4, lines 3-14).

As per claims **36** and **38**, Stimmel discloses:

- wherein a first instantiation of the browser application is configured to receive content from a second instantiation of the browser application, said content being stored on a server that is not otherwise configured to communicate with the first instantiation of the browser application (col. 3, lines 21-38).

As per claims **37** and **39**, Stimmel discloses:

- wherein the first instantiation of the browser application is configured for email, the second instantiation is configured for instant messaging and the server is an instant messaging server (col. 4, lines 1-12).

As per claim **40**, Stimmel further discloses the at least one instantiation of the browser application:



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- receiving content request messages from the at least one other instantiation of the browser application, and communication the content request messages to the host (col. 3, lines 21-38).

As per claim **41**, Stimmel further discloses the at least one instantiation of the browser application:

- receiving content from the host in response to the content request messages, and delivering the content to the respective other instantiations of the browser application that sent the content request messages (col. 3, lines 21-38).

As per claim **42**, Stimmel discloses a communications method for transferring electronic data to users of a communications system, the method comprising:

- establishing a connection between a client and a host (col. 2, lines 66-67 and col. 3, lines 1-13);
- establishing a communication session between the host and a first browser window displayed by the client (col. 4, lines 15-38);
- the first browser window receiving content request from a second browser window displayed by the client (col. 3, lines 21-38);
- the first browser window communicating the content request to the host (col. 3, lines 21-38);
- the first browser window receiving content from the host in response to the content request (col. 3, lines 21-38); and
- the first browser window communicating the content to the second browser window (col. 3, lines 21-38).

As per claim **43**, Stimmel further discloses:

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- displaying, as the second browser window, a portion of the content in an audio or visual display (col. 3, lines 1-13).

As per claim 44, Stimmel discloses:

- wherein the second browser window displays the portion of the content without directly interacting with the host (col. 4, lines 15-22).

As per claim 45, Stimmel further discloses:

- receiving, at the first browser window, a second content request from a third browser window displayed by the client (col. 3, lines 21-38);
- the first browser window communicating the second content request to the host (col. 3, lines 21-38);
- the first browser window receiving additional content from the host in response to the second content request; and the first browser window communicating the additional content to the third browser window (col. 3, lines 21-38).

As per claim 46, Stimmel further discloses:

- displaying, as the third browser window, a portion of the content in an audio or visual display (col. 3, lines 1-13).

As per claim 47, Stimmel discloses:

- wherein the third browser window displays the portion of the content without directly interacting with the host (col. 4, lines 15-22).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stimmel in view of Busey et al (U.S. Pat. No. 6,785,708)

As per claim 11, Stimmel discloses the invention substantially as claims discussed above.

However, Stimmel does not explicitly disclose:

- wherein the standard Internet content format comprises at least one HTML, CSS and Java Script.

Busey discloses a method and apparatus for synchronizing browse and chat functions on a computer network comprising:

- wherein the standard Internet content format comprises at least one HTML, CSS and Java Script (col. 13, lines 19-30).

Given the teaching of Busey, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stimmel by specifying the Internet content is in the format of HTML since the same functionality is achieved.

As per claim 12, Stimmel discloses the invention substantially as claims discussed above.

However, Stimmel does not explicitly disclose:

- wherein the first instantiation of the browser comprises a welcome screen.

Busey discloses a method and apparatus for synchronizing browse and chat functions on a computer network comprising:

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- wherein the first instantiation of the browser comprises a welcome screen (col. 7, lines 59-65).

Given the teaching of Busey, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stimmel by displaying a welcome page within the browser display on the user desktop in order to allow the user to browse and chat over the computer network.

As per claim 13, Stimmel discloses the invention substantially as claims discussed above.

However, Stimmel does not explicitly disclose:

- wherein the first instantiation of the browser comprises a toolbar.

Busey discloses a method and apparatus for synchronizing browse and chat functions on a computer network comprising:

- wherein the first instantiation of the browser comprises a toolbar (col. 7, lines 59-65).

Given the teaching of Busey, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stimmel by displaying a toolbar within the browser display on the user desktop in order to allow the user to browse and chat over the computer network.

### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,560,707 to Curtis et al

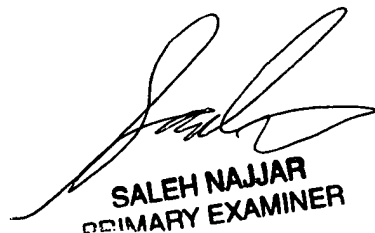
U.S. Pat. No. 6,772,335 to Curtis et al

U.S. Pat. No. 6,708,172 to Wong et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SALEH NAJJAR**  
PRIMARY EXAMINER

LaShonda T. Jacobs  
Examiner  
Art Unit 2157

ltj  
April 26, 2005